

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KIEL T. GREENLEE,

Petitioner,

: Case No. 3:20-cv-056

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

JUDGE ROBERT W. RETTICH, III.

:

Respondent.

DECISION AND ORDER

This habeas corpus action is before the Court on the Report and Recommendations of Magistrate Judge Michael R. Merz to whom this case was referred pursuant to General Order Day 13-01 (ECF No. 9). Magistrate Judge Merz recommended dismissing the Petition without prejudice for failure to exhaust state court remedies.

By Notice attached to the Report, Petitioner was advised that any objections to the Report were required to be filed not later than seventeen days after the Report was filed. That time expired June 22, 2020, but no objections have been filed.

Accordingly the Magistrate Judge's Report is adopted and the Petition herein is dismissed without prejudice. Pursuant to Fed.R.Civ.P. 58, the Clerk will enter judgment to that effect. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

June 24, 2020.

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge